

**v.**

## CIVIL ACTION

**No. 08-1696**

## ORDER

AND NOW, this 22<sup>nd</sup> day of Jan., 2009, upon consideration of Plaintiff's  
t for review, and Defendant's response, and after careful review of the Report and  
mendment of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. This matter is REMANDED to the Commissioner for review consistent with this report and recommendation.

BY THE COURT:

Robert F. Kelly  
ROBERT F. KELLY, SR. J.